



Federal Communications Commission  
Washington, D.C. 20554  
MAR 13 1998

Mr. Warren Sweeney  
Chairman  
Manchester Township Environmental Commission  
1 Colonial Drive  
Lakehurst, NJ 08733

Dear Mr. Sweeney:

This responds to your letter of December 12, 1997, which was forwarded to us by the office of Senator Frank W. Lautenberg, concerning the placement and construction of facilities for the provision of personal wireless services and radio and television broadcast services in your community. Your letter raises issues being considered in three proceedings that are pending before the Commission. In MM Docket No. 97-182, the Commission has sought comments on a Petition for Further Notice of Proposed Rule Making filed by the National Association for Broadcasters and the Association for Maximum Service Television. In this proceeding, the petitioners ask the Commission to adopt a rule limiting the exercise of State and local zoning authority with respect to broadcast transmission facilities in order to facilitate the rapid build-out of digital television facilities, as required by the Commission's rules to fulfill Congress' mandate. In WT Docket No. 97-192, the Commission has sought comment on proposed procedures for reviewing requests for relief from State and local regulations that are alleged to impermissibly regulate the siting of personal wireless service facilities based on the environmental effects of radio frequency emissions, and related matters. Finally, in DA 96-2140 and FCC 97-264, the Commission twice sought comments on a Petition for Declaratory Ruling filed by the Cellular Telecommunications Industry Association seeking relief from certain State and local moratoria that have been imposed on the siting of commercial mobile radio service facilities.

Because all of these proceedings are still pending, we cannot comment on the merits of the issues at this time. However, I can assure you that the Commission is committed to providing a full opportunity for all interested parties to participate. The Commission has formally sought public comment in all three proceedings and, as a result, has received numerous comments from State and local governments, service providers, and the public at large. Your letter, as well as this response and the December 23, 1997, response to you from Leonard T. Connors, Jr., Christopher J. Connors, and Jeffrey W. Moran, will be placed in the record of all three proceedings and will be given full consideration.

Mr. Warren Sweeney

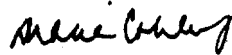
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At the same time, the Commission is actively pursuing initiatives that we hope will render any Commission action limiting State and local authority unnecessary. Commission staff, working with the Commission's Local and State Government Advisory Committee, is bringing together representatives of industry and municipal governments to discuss mutually acceptable solutions to the challenges posed by facilities siting. Chairman Kennard has stated that preemption of local zoning authority should be a remedy of last resort, and that the Commission should not consider preemption until the possibilities for constructive dialogue have been exhausted.

Further information regarding the Commission's policies toward personal wireless service facilities siting, including many of the comments in the two proceedings involving personal wireless service facilities, is available on the Commission's internet site at <http://www.fcc.gov/wtb/siting>.

Thank you for your inquiry.

Sincerely,



for Steven E. Weingarten  
Acting Chief, Commercial Wireless Division  
Wireless Telecommunications Bureau

Copy to: The Honorable Frank R. Lautenberg

FRANK R. LAUTENBERG  
NEW JERSEY

United States Senate  
WASHINGTON, DC 20510-3002

COMMITTEES:  
APPROPRIATIONS  
BUDGET  
ENVIRONMENT AND PUBLIC WORKS  
INTELLIGENCE  
HELSINKI COMMISSION

WFB  
4-7-182  
-15-23

February 4, 1998

Ms. Lou Sizemore  
Federal Communications Commission  
Congressional Liaison  
1919 M Street, NW  
Washington, D.C. 20554-0000

Dear Ms. Sizemore:

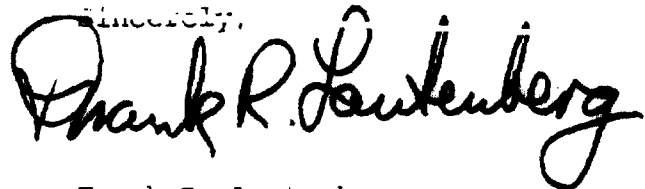
I have enclosed a copy of a letter I received from  
Mr. Warren Sweeney.

Sincerely,

I would appreciate your assistance in reviewing the issues  
raised by Mr. Sweeney. Please respond directly to him on your  
findings. I would also appreciate your sending a copy of your  
response to Andrea Edwards at my Barrington office for our review and  
information.

Thank you for your cooperation and assistance in this matter.

Sincerely,



Frank R. Lautenberg  
United States Senator

FRL\ae  
Enclosure

REPLY TO:

506 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510-3002  
(202) 224-4744

E mail: frank.lautenberg@lautenberg.senate.gov  
Internet: www.senate.gov/~lautenberg

ONE NEWARK CENTER 14TH FLOOR  
NEWARK, NJ 07102-5257  
(201) 645-3030

BARRINGTON COMMONS  
208 WHITE HORSE PIKE  
SUITE 18-19  
BARRINGTON, NJ 08007-1322  
(609) 757-5353



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# STATE OF NEW JERSEY

LEONARD T. CONNORS, JR.  
SENATOR — 9TH DISTRICT

9TH DISTRICT LEGISLATIVE OFFICES  
620 WEST LACEY ROAD  
FORKED RIVER, NJ 08731  
609-693-6700

JEFFREY W. MORAN  
ASSEMBLYMAN — 9TH DISTRICT  
CHRISTOPHER J. CONNORS  
ASSEMBLYMAN — 9TH DISTRICT

December 23, 1997

Mr. Warren Sweeney  
Chairman  
Manchester Township Environmental Commission  
1 Colonial Drive  
Lakehurst, New Jersey 08733

Dear Mr. Sweeney:

This is to acknowledge your December 12, 1997 letter to our Legislative Office on behalf of the Manchester Township Environmental Commission.

By way of this reply, our Delegation would like to reach out to convey to you our full understanding of your strong concerns with regard to the jurisdiction of the Federal Communications Commission (FCC) over the sites of communication towers.

In an effort to try to be of assistance to you, as you know, the FCC is a Federal agency, under the purview of the United States Congress and President. In an effort to relate your concerns about the FCC, by copy of this reply, we are forwarding your letter to the personal attention of our Congressional Delegation, U.S. Senator Frank R. Lautenberg, U.S. Sen. Robert G. Torricelli and U.S. Rep. Christopher J. Smith.

We know Senators Lautenberg and Torricelli and Congressman Smith will want to address these important issues from the auspices of their Federal offices.

From New Jersey's perspective, our Delegation shares many of the points that communities and citizens throughout the entire region have voiced about the questions of public health and safety, related to communication systems, and the potential impact on the environment where construction is undertaken, particularly in the sensitive Pine Barrens and coastal areas.

In an effort to obtain additional information related to this complex problem, by copy of this reply, our Delegation is also forwarding your letter to the Office of Legislative Services in Trenton. This conveyance formally authorizes OLS to undertake a priority

Mr. Warren Sweeney

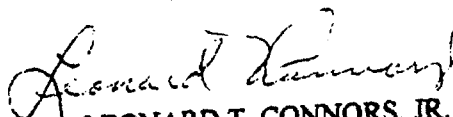
December 23, 1997

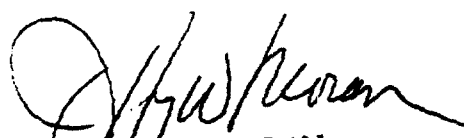
Page 2


investigation into the background of this controversy and to fully set forth the parameters of state and local control over communication tower placement.

Thank you for this opportunity to work cooperatively with the Manchester Township Environmental Commission on this important issue.

Sincerely,

  
LEONARD T. CONNORS, JR.  
Senator - 2nd District

  
JEFFREY W. MORAN  
Assemblyman - 9th District

  
CHRISTOPHER I. CONNORS  
Assemblyman - 9th District

LTCDP/TWM/CIC/enl/imr

c:w/enc: Honorable Frank R. Lautenberg, U.S. Senate  
Honorable Robert G. Torricelli, U.S. Senate  
Honorable Christopher H. Smith, U.S. House of Representatives  
Mr. Glenn E. Moore, III, Director, Office of Legislative Services



# *Manchester Township*

*1 Colonial Drive*

*Lakewood, New Jersey 08733*

*(732) 657-8121*

December 12, 1997

Senator Leonard T. Connors, Jr.  
Clock Tower Building  
620 West Lacey Road  
Forked River, NJ 08731

Re: FCC Control Over Cellular Towers

Dear Senator Connors:

The Manchester Township Environmental Commission is opposed to the proposal of the FCC trying to take control over the cellular tower placements.

If you have any questions, please contact us.

Very truly yours,

Warren Sweeney  
Chairman  
Environmental Commission

WS:ema